

**REMARKS**

Upon entry of the present amendment, claims 1-3, 5-6, 8-9, 12, 15-18, 20-21, 23-24, 27, 30-31, 34-37, 39-41 and 43-52 will remain pending in the above-identified application and stand ready for further action on the merits. Claims 4, 7, 10-11, 13-14, 19, 22, 25-26, 28-29, 32-33, 38 and 42 have been cancelled. Claims 1-3, 5-6, 8-9, 12, 15, 18, 20, 21, 23-24, 27, 30-31, 34-36, 39-41 and 43 have been amended and claims 44-52 have been added.

The present amendments to the claims do not introduce new matter into the application as originally filed.

In the present Amendment, the "use" format of the relevant claims has been revised. Additionally, the use format of claim 1 has been revised such that the claim now defines a "process for the preparation of solid polyester granules by suspension polymerization, the process comprising utilizing....".

Claim 39 has been amended by deleting reference to the paint being formulated so that the polyester granules protrude from the surface of an applied paint film. Support for this amendment can be found in the present specification at page 1, lines 5-7 and at page 23, line 24 to page 24, line 2, as well as at page 26, lines 8-9. All of these passages refer to water-based paint compositions comprising the polyester granules produced in accordance with the invention. More generally, based on the disclosure in the application, a person skilled in the art would readily appreciate that the paint composition of the invention may comprise a binder and polyester granules prepared according to the present invention without necessarily requiring the feature that the granules protrude from the surface of an applied paint film.

Claim 40 has been rewritten as dependent on claim 39.

Claim 43 has been revised to define a water-based decorative paint film comprising polyester granules prepared according to the invention. Support for this amendment can be found in the present specification at page 26, lines 18-20.

Support for newly added claims 44-52 can be found in claims 1-15 as originally filed. In particular, the use format of claims 1-15 as originally filed has been revised into a product-type format such that new claims 44-52 define a "redox initiating system".

Entry of the above amendments is earnestly solicited. An early and favorable first action on the merits is earnestly solicited.

### CONCLUSION

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact MaryAnne Armstrong, PhD, Registration No. 40,069, at the telephone number of the undersigned below to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Director is hereby authorized in this, concurrent, and future replies to charge any fees required during the pendency of the above-identified application or credit any overpayment to Deposit Account No. 02-2448.

Dated: OCT 8 2010

Respectfully submitted,

By M. C. Stewart (Reg. No. 21,066)

MaryAnne Armstrong, PhD  
Registration No.: 40069  
BIRCH, STEWART, KOLASCH & BIRCH, LLP  
8110 Gatehouse Road, Suite 100 East  
P.O. Box 747  
Falls Church, VA 22040-0747  
703-205-8000